

RTN (8517)
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BEACH CREEK MARINA, INC.

Plaintiffs,

v.

ROYAL TAX LIEN SERVICES, LLC
d/b/a CRUSADER LIEN SERVICES,
COLE LAYER TRUMBLE COMPANY,
And TYLER TECHNOLOGIES INC.,

Defendants.

CIVIL ACTION NO. 2:09-cv-2649

CERTIFICATION OF
THEODORE J. LAMICELLA

Theodore J. Lamicella, of full age, hereby certifies as follows:

1. I am a senior commercial appraiser and a state certified real estate appraiser. Attached hereto as Exhibit A is my curriculum vitae. I have been engaged by Plaintiff Beach Creek Marina, Inc. ("Beach Creek") in connection with this matter. I have personal knowledge of the facts set forth in this certification.

2. In connection with my retention by Beach Creek in this matter, I reviewed the contract (the "Contract") between Cole Layer Trumble Company ("Cole Layer") and the City of North Wildwood. A copy of that Contract is attached hereto as Exhibit B. I have also reviewed documents that Beach Creek received as a result of an OPRA request to obtain documents from

the City of North Wildwood in connection with the assessment of Beach Creek's property. My primary observations from my review of the foregoing documents are as follows:

- Property Record Cards. The Contract and N.J.A.C. 18:12-4.8 require Property record cards undertaken in connection with the appraisal process to include values of each lot and building, its age, condition, depreciation, obsolescence, additions, deletions, appraised value, recent sales prices, and rental data. The property records cards obtained by Beach Creek through the OPRA request do not contain such information.
- Approaches to Value: The Contract states that commercial properties like Beach Creek will be valued using the cost approach and income approach where applicable and that final commercial values will be determined in the field by a senior appraiser. Exhibit B, Schedule B, page 26-27. No information has yet been obtained as to whether Cole Layer complied with this contractual requirement.
- Appraisal of Commercial Properties: The Contract provides that commercial and industrial appraisers will review cost and income approaches concurrently in the field. Exhibit B, Paragraph 13.1.2. Further, Beach Creek has no information as to Cole Layer's compliance with this Contract requirement.
- Taxpayer Review Process: The contract provides that Cole Layer was to deliver three sets of appraisal values to the city - - preliminary, tentative and final. Exhibit B, Paragraph 14. Paragraph 15.1.2. of the contract provides that Cole Layer would mail notices to Taxpayers with Tentative Values. The same paragraph provides

provides that the property owners could then have the opportunity to address the Tentative Value through a review meeting with Cole Layer.

3. Based on my review of the documents from the OPRA request, it appears that the City of North Wildwood does not have certain documents in its file and that Cole Layer did not perform as required under the Contract. It is not comprehensible how Cole Layer did not deviate from the applicable standards by assessing Beach Creek's property at more than four Contract and failed to meet the applicable standards in making its assessment as to Beach Creek's property.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.



DATED: August 14, 2009

THEODORE J. LAMICELLA